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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 JUL 29 AM 11: 20
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA,	)	Magistrate Docket No. 08 MJ 23 15
Plaintiff,	)	
v.	)	COMPLAINT FOR VIOLATION OF:
Noel Alberto BONILLA-Estrada,	)	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States
Defendant	)	

The undersigned complainant, being duly sworn, states:

On or about **July 27, 2008,** within the Southern District of California, defendant, **Noel Alberto BONILLA-Estrada,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 29th DAY OF JULY 2008

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CFN

CONTINUATION OF COMPLAINT:
Noel Alberto BONILLA-Estrada

PROBABLE CAUSE STATEMENT

On July 27, 2008 Border Patrol Agent M. Momberg was assigned to line watch operations in the Brown Field Border Patrol Station's area of responsibility. At approximately 6:45 p.m., Agent Momberg responded to a seismic intrusion device Northeast of the Otay Mesa, California Port of Entry.

Border Patrol Agent D. Montero, responded to assist Agent Momberg. Upon arriving in the area, the Agents found six individuals walking a trail. Agent Momberg and Agent Montero approached the six individuals, including one later identified as the defendant **Noel Alberto BONILLA-Estrada**, and identified themselves as United States Border Patrol Agents. Agent Momberg then questioned each individual to determine their citizenship and immigration status. The defendant admitted to being a citizen and national of Mexico without any immigration documents that would allow him to enter, or remain in the United States legally. At 7:15 p.m. Agent Momberg arrested BONILLA. Agents Momberg and Montero then walked all of the individuals back to their Border Patrol vehicles, and transported both suspects to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **June 27, 2008,** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. He stated he understood them and was willing to make a statement without the presence of an attorney. The defendant again admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant states that he entered the United States illegally near Tijuana, Baja California, Mexico through the mountains. The defendant's destination was Los Angeles, California.